MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.895 OF 2004

Ganpati Yadu Pawar, since
deceased through his LRs and ors. Appellants

versus

Shaikh Ibrahim Hasan Mulani
and others Respondents

Mr.Dilip Bodake for appellants.

Mr.M.S.Bhandari i/by Smt.Suman Jain for respondent nos.1, 3 and 6.

CORAM : DR.D.Y.CHANDRACHUD, J.

DATE : 09TH JULY 2007

PC :

1. Admit. The following substantial questions of law arise :-

(i) Is the judgment of the Assistant Judge, Satara in Civil Appeal No.129 of 1977 on a suit for redemption filed by the plaintiff and the findings therein relevant under section 43 of the Evidence Act though the suit was not between the same parties?

MST

(ii) If the statement of deceased Hasan in the document at Exhibit-292 was to the effect that he had no male issue and in the event that the language of the document was plain and applied accurately to the facts, would the provisions of Section 94 of the Evidence Act not be attracted?

2. Second Appeal is expedited.

(DR.D.Y.CHANDRACHUD, J.)

MST

MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.606 OF 2001
IN
SECOND APPEAL NO.895 OF 2004

. . . . . .

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's order

. . . . . .

Mr.Dilip Bodake for applicants.

Mr.M.S.Bhandari i/by Smt.Suman Jain for respondent nos.1, 3 and 6.

CORAM : DR.D.Y.CHANDRACHUD, J.

DATE : 09th JULY 2007

PC :

1. The Second Appeal has been admitted. Since substantial questions of law are raised, pending hearing and final disposal of the Second Appeal, there shall be an interim order in terms of prayer clause (b).

(DR.D.Y.CHANDRACHUD, J.)